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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,766	01/15/2002	Nachiappan Annamalai	3660P065	5172

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EXAMINER

CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/047,766

Applicant(s)

ANNAMALAI ET AL.

Examiner

Debra F. Charles

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date July 5, 2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,4,5,6,7,8,9,10,12,13,14,15,16, 17,19,20, 21,22, 23,24,25,26, 27,28,29,30, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gujral et al.(US 2002/0042769 A1) and Sobrado et al.(US 6980966 B1).

Re claims 1, 16, 17,25, 21, 23, 27 and 32: Gujral et al. disclose a method for multiple award optimization bidding in online auctions(Abstract, claim 1) comprising:

providing, by the buyer, a price ceiling and a tolerance for a resource(para 0066);

soliciting a plurality of bids from a plurality of suppliers, the bids having a unit price and a quantity(para 0039, 0046);

validating the bids if the bids meet a set of rules(para 0042);

generating an optimal solution with the validated bids, the optimal solution having an optimal quantity and an optimal unit price from at least one supplier(para 0066);

comparing the optimal unit price to a compare value(para 0062).

Gujral et al. fail to teach replacing the compare value with the optimal unit price if the optimal unit price is less than the compare value. However, Sobrado et al. does teach reverse auctions whereby the new price is replacing the old price as the new data becomes available(col. 11, lines 10-30). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Gujral et al. to include the step of Sobrado et al. The motivation to combine these references is to ensure the most current data is reflected on the display.

Claims 3, 24 and 31: Gujral et al. disclose calculating a total cost of each bid(para 0014, 0072);comparing the unit price for each bid against the price ceiling(para 0062,0069,0077); checking the quantity of each bid against a quantity of a previous bid and the total cost of each bid against a previous total cost(para 0015);
evaluating the quantity of each bid against a quantity of another supplier's bid and the unit price of each bid against a unit price of another supplier's bid(para 0040,0041);
rejecting the bid if the bid does not meet the set of rules, the set of rules including the unit price of the bid not being less than the price ceiling, the quantity of the bid not being less than the quantity of a previous bid and the total cost of the bid not being greater than the previous total cost, and the quantity of the bid not being equal to the quantity of at least one other supplier's bid and the unit price of the bid not being equal to the unit price of at least one other supplier's bid(para 0066, 0067, 0069, 0040-0041, 0073-0077).

Claims 4, 6,7, 19, 26,30: Gujral et al. disclose using non-linear programming to determine a decision variable for each bid(para 0066 0077;

including each bid having the decision variable that matches an optimal parameter in the optimal solution(para 0081-0084); and calculating the optimal unit price and the optimal quantity from the included bids(Abstract, para 0072,0073,0077,0014-0018, 0035-0036).

Claims 5, 20, 22, 28 and 29: Gujral et al. disclose minimizing the optimal unit price; and maximizing the optimal quantity(para 0018, 0040-0043, 0062-0071, 0076-0077).

Re claim 8: Gujral et al. disclose notifying the suppliers of the bids in the optimal solution; and refreshing a display of the bids with each new bid(para 0073-0075).

Re claim 9: Gujral et al. disclose displaying a ranked ordering of submitted bids in accordance with the optimal solution(para 0060-0061, 0076-0077).

Re claim 10: Gujral et al. disclose identifying at least one of goods and services to be purchased(para 0032-0038).

Re claim 12: Gujral et al. disclose allowing the buyer to change the tolerance if at least one of the bids are not validated and the optimal solution is not generated(para 0078-0083).

Re claim 13: Gujral et al. disclose providing a range of values for at least one of the quantity and the unit price(para 0084).

Re claim 14: Gujral et al. disclose calculating the optimal solution based on at least one of payment terms, cost, percentage, lead time, discounts and other parameters that are quantifiable as numbers(para 0084,0085).

Re claim 15: Gujral et al. disclose determining, as the optimal solution, a lowest overall optimal solution set of bids; and providing the optimal quantity and the optimal unit price, the optimal quantity being a sum of quantities from the solution set of bids and the optimal unit price being an average of the unit prices from the solution set of bids(para 0018, 0076, 0084, 0085,0086).

3. Claims 2,11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gujral et al.(US 2002/0042769 A1) and Sobrado et al.(US 6980966 B1) as applied to claim 1 above, and further in view of Heimermann et al.(US 2002/0143692 A1).

Claims 2,11 and 18: Both Gujral et al.(US 2002/0042769 A1) and Sobrado et al.(US 6980966 B1) fail to teach rejecting the bids if the bids do not meet the set of rules; and denying the bids if at least one of an optimal solution cannot be generated and the optimal unit price is not less than the compare value. However, Heimermann et al. does teach Upon such submission, the System immediately presents that application to the Supplier-Applicant Approval and Supplier Preference Administration and Debarment sub-element (FIG. 2) (33) of the Central Procurement Authority Functions element (13) of the Internal Module (2). That sub-element automatically determines, based on information provided by the applicant, and on other information available from other sources external to the System as a whole, as indicated in Sub-section I.B.8 of Section K, supra (as to "(n)ew suppliers") whether to approve such supplier-applicant to be an authorized supplier within the System. However, it immediately reports the decision, whether approving or denying such status, to the designated C.P.A. official. Using criteria based on law, and on administratively set procurement policy not subject to digital determination, said official determines whether to ratify, or to override the decision reached by the System. This determination is immediately transmitted via e-mail to the supplier-applicant. If approval is denied, a supplier-applicant may pursue administrative appeal outside the System. If approval is granted, the newly-authorized supplier will be assigned an initial supplier preference rating score, in accord with the formula applied to calculate such rating scores periodically as to existing authorized suppliers (see Sec. K.I.B.8., supra)(para 0307). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Both Gujral et al.(US 2002/0042769 A1) and Sobrado et al.(US 6980966 B1) to include the step of Heimermann et al. The motivation to combine these references is to ensure the most current data is reflected on the display.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Debra F. Charles
Examiner
Art Unit 3691



HANI M. KAZIMI
PRIMARY EXAMINER